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*Interim Co-Lead Counsel for Plaintiff Class*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE  
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

All Actions

Master Docket No. 11-CV-2509-LHK

**DECLARATION OF DEAN M. HARVEY  
IN SUPPORT OF PLAINTIFFS'  
CONSOLIDATED REPLY IN SUPPORT  
OF MOTION FOR CLASS  
CERTIFICATION AND IN OPPOSITION  
TO DEFENDANTS' MOTION TO STRIKE  
THE REPORT OF DR. EDWARD E.  
LEAMER**

Date: January 17, 2013  
Time: 1:30 pm  
Courtroom: 8, 4<sup>th</sup> Floor  
Judge: Honorable Lucy H. Koh

I, Dean M. Harvey, declare:

1. I am an associate in the law firm of Lieff, Cabraser, Heimann & Bernstein, LLP,  
interim co-lead counsel for Plaintiffs and the proposed Class. I am a member of the State Bar of

1 California, and am admitted to practice before the United States District Court for the Northern  
2 District of California. I make this declaration based on my own personal knowledge. If called  
3 upon to testify, I could and would testify competently to the truth of the matters stated herein.

4 **Deposition Testimony of Defendants**

5 2. Attached hereto as Exhibit 1 is a true and correct copy of transcript excerpts from  
6 the deposition of Adobe witness Donna Morris, dated August 21, 2012.

7 3. Attached hereto as Exhibit 2 is a true and correct copy of transcript excerpts from  
8 the deposition of Adobe witness Jeffrey Vjungco, dated October 5, 2012, and Exhibit 303  
9 thereto.

10 4. Attached hereto as Exhibit 3 is a true and correct copy of transcript excerpts from  
11 the deposition of Apple witness Mark Bentley, dated August 23, 2012.

12 5. Attached hereto as Exhibit 4 is a true and correct copy of transcript excerpts from  
13 the deposition of Google witness Arnon Geshuri, dated August 21, 2012.

14 6. Attached hereto as Exhibit 5 is a true and correct copy of transcript excerpts from  
15 the deposition of Pixar witness Pamela Zissimos, dated November 13, 2012.

16 7. Attached hereto as Exhibit 6 is a true and correct copy of transcript excerpts from  
17 the deposition of Apple witness Steve Burmeister, dated June 27, 2012.

18 **Deposition Testimony of Named Plaintiffs**

19 8. Attached hereto as Exhibit 7 is a true and correct copy of transcript excerpts from  
20 the deposition of Plaintiff Michael Devine, dated October 24, 2012.

21 9. Attached hereto as Exhibit 8 is a true and correct copy of transcript excerpts from  
22 the deposition of Plaintiff Mark Fichtner, dated October 15, 2012.

23 10. Attached hereto as Exhibit 9 is a true and correct copy of transcript excerpts from  
24 the deposition of Plaintiff Siddharth Hariharan, dated October 12, 2012.

25 11. Attached hereto as Exhibit 10 is a true and correct copy of transcript excerpts from  
26 the deposition of Plaintiff Brandon Marshall, dated October 22, 2012.

27 12. Attached hereto as Exhibit 11 is a true and correct copy of transcript excerpts from  
28 the deposition of Plaintiff Daniel Stover, dated October 29, 2012.

**Deposition Testimony of Expert Witnesses**

13. Attached hereto as Exhibit 12 is a true and correct copy of transcript excerpts from the deposition of Plaintiffs' expert, Edward Leamer, dated October 26, 2012.

14. Attached hereto as Exhibit 13 is a true and correct copy of transcript excerpts from the deposition of Defendants' expert, Kevin Murphy, dated December 3, 2012.

**Documents Produced by Defendant Adobe**

15. Attached hereto as Exhibit 14 is a true and correct copy of ADOBE\_001096-97.

16. Attached hereto as Exhibit 15 is a true and correct copy of ADOBE\_008047-49.

17. Attached hereto as Exhibit 16 is a true and correct copy of ADOBE\_008098-99.

18. Attached hereto as Exhibit 17 is a true and correct copy of ADOBE\_008692-93.

19. Attached hereto as Exhibit 18 is a true and correct copy of ADOBE\_009811-13.

**Documents Produced by Defendant Apple, Inc.**

20. Attached hereto as Exhibit 19 is a true and correct copy of 231APPLE016220-21.

21. Attached hereto as Exhibit 20 is a true and correct copy of 231APPLE039426-28.

22. Attached hereto as Exhibit 21 is a true and correct copy of 231APPLE080776-77.

**Documents Produced by Defendant Google**

23. Attached hereto as Exhibit 22 is a true and correct copy of GOOG-HIGH-TECH-00201276-77.

24. Attached hereto as Exhibit 23 is a true and correct copy of GOOG-HIGH-TECH-00248336-37.

25. Attached hereto as Exhibit 24 is a true and correct copy of GOOG-HIGH-TECH-00252601-04.

26. Attached hereto as Exhibit 25 is a true and correct copy of GOOG-HIGH-TECH-00027965-27994.

**Documents Produced by Defendant Intel**

27. Attached hereto as Exhibit 26 is a true and correct copy of 76579DOC005956-968.

28. Attached hereto as Exhibit 27 is a true and correct copy of 76592DOC015613-15636.

29. Attached hereto as Exhibit 28 is a true and correct copy of 76606DOC000420-22.

**Documents Produced by Defendant Intuit**

30. Attached hereto as Exhibit 29 is a true and correct copy of INTUIT\_035842.

**Documents Produced by Defendant Lucasfilm**

31. Attached hereto as Exhibit 30 is a true and correct copy of LUCAS00035991-92.

**Other**

32. Attached hereto as Exhibit 31 is a true and correct copy of the Department of Justice's Complaint in *United States v. Ebay, Inc.* No. 12-cv-05869-EJD (N.D. Cal. November 16, 2012) (Dkt. No. 1).

33. Attached hereto as Exhibit 32 is a true and correct copy of the Complaint in *California v. Ebay, Inc.*, No. 12-cv-05874-PSG (N.D. Cal. November 16, 2012) (Dkt. No. 1).

34. Attached hereto as Exhibit 33 is a true and correct copy of Joseph Stiglitz, *Information and the Change in the Paradigm in Economics*, The American Economic Review, Vol. 92, No. 3 (Jun., 2002).

35. Attached hereto as Exhibit 34 is a true and correct copy of the March 14, 2012 Letter from Dean M. Harvey to Defense Counsel, and the March 26, 2012 Letter from Cody Harris to Dean M. Harvey.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed December 10, 2012, in San Francisco, California.

/s/ Dean M. Harvey

Dean M. Harvey